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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,648	08/07/2006	Ryo Sakurai	Q96393	9259
23373 7590 10/27/2010				
SUGHRUE MION, PLLC				
2100 PENNSYLVANIA AVENUE, N.W.				
SUITE 800				
WASHINGTON, DC 20037				
EXAMINER				
KUMAR, SRILAKSHMI K				
ART UNIT		PAPER NUMBER		
2629				
NOTIFICATION DATE		DELIVERY MODE		
10/27/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/588,648

Applicant(s)

SAKURAI ET AL.

Examiner

SRILAKSHMI K. KUMAR

Art Unit

2629

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

The following office action is in response to the Pre Appeal Brief Request, filed on June 9, 2010.

Claims 1-5 are pending.

Response to Amendment

Applicant is reminded that the After Final Amendment filed on May 10, 2010 has not been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lecain et al (WO 03/104884) in view of Rogers et al (US 6,337,761).

As to independent claim 1, Lecain et al teach an information display device, in which display media are sealed between a front substrate and a rear substrate, at least one of the front substrate and the rear substrate being transparent (page 16, line 22-page 17, line 31), and at least one of the front substrate and the rear substrate being flexible, and in which the display media (page 16, line 22-page 17, line 31), to which an electrostatic field is applied, are made to move so as to display information such as an image (page 16, lines 22-page 17, line 31; page 20, line 3-30; page 24, line 38-page 25, line 22), , and the sealing agent arranging portion is disposed between outermost walls of partition walls for forming cells and a rib disposed on at least on of the front substrate and the rear substrate (page 39, lines 6-29; page 41, line 25-page 42, line 12).

Lecain et al teach spacers (572 and 574), however, do not teach a plurality of spacers are arranged on a surface of at least one of the front and the rear substrate in a sealing agent arranging portion, which seals a space between the front substrate and the rear substrate by a sealing agent. Rogers et al in Figs. 2A-2D teach spacers (item 24) arranged on a surface of at least one of the front and the rear substrate by a sealing agent (col. 4, line 39-col. 5, line 25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the spacers as taught by Rogers et al into Lecain in order for improved stability (Rogers, col. 1, lines 5-7).

As to dependent claim 2, limitations of claim 1, and further comprising, Rogers teach teach wherein the spacers are manufactured simultaneously when partition walls for forming cells between the front substrate and the rear substrate are arranged on at least the front substrate and the rear substrate (col. 4, line 39-col. 5, line 25).

As to dependent claim 3, limitations of claim 1, and further comprising, Lecain et al teach wherein a total area of the spacers on at least the front substrate and the rear substrate is 0.5-50% of the sealing agent arranging portion on at least one of the front substrate and the rear substrate (page 40, lines 17-29).

As to dependent claim 4, limitations of claim 1, and further comprising, Rogers et al teach where the spacers have a dotted shape (col. 4, line 39-col. 5, line 25).

As to dependent claim 5, limitations of claim 1, and further comprising, Lecain et al teach wherein the display media comprise at least one of particles and liquid powders (page 16, line 22-page 17, line 31).

Response to Arguments

1. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SRILAKSHMI K. KUMAR whose telephone number is (571)272-7769. The examiner can normally be reached on 7:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sue Lefkowitz can be reached on 571 272 3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Srilakshmi K Kumar/
Primary Examiner
Art Unit 2629

SKK
October 21, 2010